

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 11, 2006

DIVISION ONE

B183969 Maughan et al. (Certified for Publication)
 v.
 Google Technology, Inc.

The judgment is affirmed. Each party to bear their own costs.

Mallano, Acting P.J.

I concur: Rothschild, J.

I concur and dissent: Vogel (Miriam A.), J. (Opinion)

DIVISION TWO

B183940 Swett & Crawford (Not for Publication)
 v.
 Sedgwick Group LTD

The judgment (order granting respondent's motion to quash) is reversed.
Appellant is entitled to its costs on appeal.

Boren, P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

October 11, 2006 (Continued)

DIVISION TWO (Continued)

B180044 Toluca Lake Property Owners Assoc. (Not for Publication)
v.
Haberman

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B187390 Khazin
v.
Kono
Lisitsa

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B179609 People (Not for Publication)
v.
Bruggeman

The judgment is modified by striking the parole revocation fine. As modified, the judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FOUR (Continued)

B184504 Alvarez et al. (Certified for Publication)
 v.
 May Department Stores Company

The order is affirmed. Respondent(s) to recover costs.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

B183892 Ziegler
 v.
 Greene

Filed order denying petition for rehearing.

DIVISION FIVE

B184525 The Ebensteiner Company (Certified for Publication)
 v.
 The Chadmar Group

The appeal is dismissed. Parties to bear own costs on appeal.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B181928 Sander/Moses Productions, Inc.
 v.
 NBC Studios

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B185893 Penuela v. Lemelin
B186172 State Farm General Ins. Co. v. O'Kun
B186196 Eriz v. Rodas
B186756 Biejo v. Dakessian

Argument continued to November, 2006.

Each of the following:

B185285 Odom v. Horticulture Labor Services
B188653 Dept. of Social Services v. Wendy S.

Argument waived, cause submitted.

B192530 Valentina P. v. Santa Barbara County Superior Court
 (Child Welfare Services)

Presentation waived, cause submitted.

B190118 Human Services Agency
 v.
 Randy F. and Bernadette A.

Merits:

Argued by Anne E. Fragasso for appellant Randy F., by Maureen Keaney for appellant Bernadette A. and by Linda Stevenson, Assistant County Counsel, for respondent. Cause submitted.

DIVISION SIX (Continued)

B189292 Hartnett
 v.
 Ventura County

Merits:

Argued by John Hartnett, appellant, appearing in propria persona and by Cathy Anderson for respondent. Cause submitted.

B183784 Marriage
 of
 Cappello

Merits:

Argued by Daniel A. Bergman for appellant and by Richard Taylor for respondent. Cause submitted.

Gilbert, P.J. left the bench.

B188607 Domino's Pizza and State Compensation Ins. Fund
 v.
 Workers' Compensation Appeals Board
 Kerr, Respondent

Review:

Presented by David Goi for petitioners and by William A. Herreras for respondent Kerr. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

Gilbert, P.J. resumed the bench.

B187717 Avia-Dynamics Corp.
 v.
 Array Connector Corp.

Merits:

Argued by Rick D. Navarrette for appellant and by Jason L. Rumsey for respondent. Cause submitted.

DIVISION SIX (Continued)

Yegan, J. left the bench.

B190655 Amar
 v.
 Workers' Compensation Appeals Board
 State Compensation Ins. Fund, Respondent

Review:

Presented by Russell R. Ghitterman for petitioner and by Don E. Clark for respondent State Compensation Insurance Fund. Presentation previously waived by respondent Workers' Compensation Appeals Board.
Cause submitted.

B190054 Smith
 v.
 Workers' Compensation Appeals Board
 State Compensation Ins. Fund, Respondent

Review:

Presented by William A. Herreras for appellant and by David Goi for respondent State Compensation Insurance Fund. Presentation previously waived by respondent Workers' Compensation Appeals Board.
Cause submitted.

DIVISION SIX (Continued)

B185622 Arciga
v.
Workers' Compensation Appeals Board
Kendall Jackson Wine Estates, et al., Respondents

Review:

Presentation by Gifford G. Beaton for petitioner, by Les Braley for respondents Kendall Jackson Wine Estates et al., by Corrie Lea Arellano for amicus curiae Watsonville Law Center in support of petitioner and by William A. Herreras for amicus curiae California Applicants' Attorneys Association in support of petitioner. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

Court adjourned.

B183139 Demma
v.
Demma

Filed order denying petition for rehearing.

DIVISION SEVEN

B192004 Ortiz (Not for Publication)
v.
Superior Court, Los Angeles County
(People of the State of California, r.p.i.)

Defendant's petition for writ of prohibition is granted. Let a peremptory writ issue commanding the trial court to vacate its order, and the cause is remanded to the trial court for further proceedings consistent with this opinion.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B190885 Los Angeles County, D.C.S. (Not for Publication)
v.
Martin M.

The order terminating parental rights under section 366.26 is reversed and the matter is remanded to the juvenile court with directions that within 10 days of the remittitur DCFS demonstrate the scope and adequacy of its investigation of Kaycey's potential Native American heritage, including but not limited to its inquiry into Kaycey's paternal grandfather's birth date and birthplace; and the names, birth dates and birthplaces of the paternal grandfather's parents (Kaycey's paternal great-grandparents). If the trial court determines that DCFS's investigation satisfied its affirmative duty to inquire into the specific items of information required for ICWA notice, the court shall reinstate its 366.26 orders.

If the trial court concludes that DCFS's investigation was insufficient, the trial court shall order, pursuant to ICWA and rule 1439 of the California Rules of Court, that within 30 days of the remittitur DCFS perform a thorough investigation of Kaycey's potential Native American heritage. If adequate additional investigation is performed but yields no further information that could assist the Bureau of Indian Affairs or a specific tribe or tribes in determining whether Kaycey is an Indian child, the trial court shall then reinstate its section 366.26 orders. If as a result of that investigation new information has been obtained that may assist the Bureau of Indian Affairs or a specific tribe or tribes in determining whether Kaycey is an Indian child, the trial court shall order DCFS to provide the appropriate tribe or tribes and the Bureau of Indian Affairs with proper notice of the pending proceedings, which should include all relevant family members' names, birthdates, and places of birth, as well as the required forms and a copy of the petition; and that DCFS file copies of the notices sent, all return receipts, and all responses received with the juvenile court.

In the event that new notice is given, if, after notice is properly given, no tribe responds indicating Kaycey is an Indian child within the meaning of ICWA, or if no tribe seeks to intervene, the court shall reinstate its orders.

DIVISION SEVEN (Continued)

B190885 Los Angeles County, D.C.S. v. Martin M. (Continued)

If a tribe determines Kaycey is an Indian child and seeks to intervene in the juvenile court proceedings, the juvenile court shall vacate its prior orders and conduct all proceedings in accordance with ICWA, section 360.6 and rule 1439 of the California Rules of Court.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

B187940 Steinert (Not for Publication)
 v.
 City of Covina et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

B186804 People (Not for Publication)
 v.
 Jones

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B184270 Sheldon
 v.
 Grossman et al.,

Filed order modifying opinion. (No change in the judgment)

B186674 A/R Capital LLC,
 v.
 Santa Monica Properties

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

B186036 Densmore et al.
 v.
 Manzarek et al.,

B186037 Courson et al.
 v.

B188708 Manzarek et al.,
 Densmore et al.,
 v.
 Manzarek et al.,

Filed order consolidating above captioned appeals.